



ARCHITECTURE • URBAN PLANNING • ENGINEERING

April 10, 2009

Mr. William Thomas
U.S. Department of Housing and Urban Development
Office of RESPA and Interstate Land Sales
451 Seventh Street, SW, Room 9154
Washington, DC 20410

Re: ILS 32438 and 32439, Borden East River Realty
LLC, 11/49 Realty LLC, and Simone Development
Company, L.L.C., One Hunters Point
Condominium, I-09-096; Hunters View
Condominium, I-09-07

Dear Mr. Thomas:

My firm, NDG Architect, P.C., was retained and continues to represent Borden East River Realty LLC ("Borden"), the developer and sponsor of a twelve story high rise condominium project located at 5-49 Borden Avenue, Long Island City, Queens, New York (the "Hunters Point Project") and 11/49 Realty LLC ("11/49"), the developer of a twelve story high rise condominium project located at 48-15 11th Street, Long Island City, Queens, New York (the "Hunters View Project").

On February 17, 2009, a temporary certificate of occupancy ("TCO") was issued for the Hunters Point Project, a copy of which is attached hereto as Exhibit 1. Also attached hereto as Exhibit 2 is a copy of the current renewal of that TCO issued on April 8, 2009. As set forth on the renewal TCO there are twenty-five (25) outstanding requirements for the issuance of the permanent certificate of occupancy ("PCO") for the Hunters Point Project (see attached Exhibit 3).

On March 12, 2009, a TCO was issued for the Hunters View Project, a copy of which is attached hereto as Exhibit 4. As set forth on this TCO, there are twenty-four (24) outstanding requirements for the issuance of the PCO for the Hunters View Project (see attached Exhibit 5).



Mr. William Thomas

Premises: One Hunters Point Condominium, I-09-096
Hunters View Condominium, I-09-97

April 10, 2009

Page 2

Pursuant to the Zoning Resolution of the City of New York, as amended, and the applicable Building Codes of the State and City of New York, all of the Units listed on the TCO for each Project are physically habitable and may legally be occupied for private residential use which is the intended use. None of the listed outstanding requirements for each Project prevent this occupancy and none of them effect the safety of either project for occupancy. In New York City, occupancy of a new residential building typically occurs pursuant to a TCO with the PCO obtained after the building is occupied. The existence of such outstanding requirements prior to obtaining a PCO are not unusual for this type of construction in the City of New York.

As the architects for the Projects, we hereby represent that Borden and 11/49 are presently addressing all outstanding requirements for the issuance of the PCO of each Project. Furthermore, the escrowed amounts set forth in the attached certifications of our firm issued on March 5th and 19th, 2009 respectively (see Exhibit 6) are more than sufficient to secure the issuance of each PCO.

Very truly yours,

NDG Architects, P.C.

By: 
Mitchell D. Newman, A.I.A., President

cc: Borden East River Realty LLC
11/49 Realty LLC
D'Agostino, Levine & Landesman, LLP

EXHIBIT "1"

HP000281



Certificate of Occupancy

Page 1 of 2

CO Number: 402115661T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A. Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4860183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 02/17/2009 Expiration Date: 04/18/2009
<i>For zoning lot metes & bounds, please see BISWeb.</i>		
B. Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA No. of stories: 12 Height in feet: 123 No. of dwelling units: 138		
C. Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
D. Type and number of open spaces: None associated with this filing.		
E. This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:		
There are 24 outstanding requirements. Please refer to BISWeb for further detail.		
Borough Comments:		
THIS TEMP CERTIFICATE OF OCCUPANY IS FOR FLOORS 1-11 AND ROOF ONLY, EXCLUDING THE ENTIRE 12TH FLOOR.		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Page 2 of 2

Certificate of Occupancy

CO Number: 402115661T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
001		OG	B-2		2	25 ACCESSORY PARKING SPACES
002 008	40		J-2	13	2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40		J-2	10	2	TEN (10) APARTMENTS ON EACH FLOOR
ROF	100		J-2		2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/001 2/17/2009 9:05:38 AM

HP000283

EXHIBIT "2"



Certificate of Occupancy

Page 1 of 2

CO Number: 402115661T002

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A.	Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4880183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 04/08/2009 Expiration Date: 08/07/2009
<i>For zoning lot metes & bounds, please see BISWeb.</i>			
B.	Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA No. of stories: 12 Height in feet: 123 No. of dwelling units: 138		
C.	Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
D.	Type and number of open spaces: None associated with this filing.		
E.	This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:			
There are 25 outstanding requirements. Please refer to BISWeb for further detail.			
Borough Comments: None			

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Certificate of Occupancy

Page 2 of 2

CO Number: 402115661T002

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
002 008	40	J-2	13		2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40	J-2	10		2	TEN (10) APARTMENTS ON EACH FLOOR
ROF	100	J-2			2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661T002 4/8/2009 1:41:53 PM

HP000286

EXHIBIT "3"



B-SCAN List of Required Items

Premises: 5-49 BORDEN AVENUE QUEENS
BIN: 4860183 Block: 34 Lot: 1

25 OPEN ITEMS OF 91 REQUIRED FOR JOB
ADDRESS: NEW HOUSE NUMBER APPROVED
CERTIFICATE OF OCCUPANCY
SPRINKLER (SP) SIGNOFF
STANDPIPE (SD) SIGNOFF
ELEVATOR JOB SIGNOFF
MECHANICAL (MH) SIGNOFF
CURB CUT (CC) SIGNOFF
EQUIPMENT USE PERMITS
SITE SURVEY: FINAL
BOILER (BL) SIGNOFF
BPP: FINAL SIGNOFF
MASONRY SUPPLIER'S STATEMENT-FORM 10J
FINAL PLUMBING SIGNOFF
FINAL ELEVATOR SIGNOFF
FINAL ELECTRICAL SIGNOFF
FINAL CONST. SIGNOFF
VERIFY TAX LOT
CO OBJ: VERIFY ADDRESS-TOPO STAMP
VIOLATIONS SEARCH
OPEN APPLICATIONS SEARCH
FOLDER REVIEW
ELECTRICAL OBJ: OPEN APPLICATIONS
ELEVATOR OBJ: OPEN ELV APP
3'-6" FENCE IN CITY WIDENING STREET, OBTAIN

Job No: 402115661
Job Type: NB - NEW BUILDING

WHO REC'D	PRI TO	REQU DATE	RECEIVED DATE	W CERTIFIED V
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	04/20/2005		
N	SGN	09/15/2008		
N	SGN	10/27/2008		
T	SGN	01/23/2009		

B-SCAN List of Required Items

FROM D.O.T.

TCO NOT ISSUED AS STATED ABOVE

N SCN 04/08/2009

(*) N = Can be received by clerical staff; T = Can only be received by a plan examiner
Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

Display Items Required Prior To:

- ☒ Approval
☒ Permit
☒ Signoff

Which Items Should Be Displayed?

☐ All Items☒ Open Items Only

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

EXHIBIT "4"



Page 1 of 3

Certificate of Occupancy

CO Number: 402437065T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A. Borough: Queens Address: 48-15 11 STREET Building Identification Number (BIN): 4862899	Block Number: 00061 Lot Number(s): 80 Building Type: New	Certificate Type: Temporary Effective Date: 03/12/2009 Expiration Date: 06/10/2009
<i>For zoning lot metes & bounds, please see BISWeb.</i>		
B. Construction classification: 1-D (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HAEA		
No. of stories: 12 Height in feet: 125 No. of dwelling units: 72		
C. Fire Protection Equipment: None associated with this filing.		
D. Type and number of open spaces: Parking spaces (37), Parking (14403 square feet)		
E. This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy: There are 24 outstanding requirements. Please refer to BISWeb for further detail.		
Borough Comments: None		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Page 2 of 3

Certificate of Occupancy

CO Number:

402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL			J-2		2B	ACCESSORY (22) PARKING SPACES
CEL			D-2		2B	MECHANICAL ROOM
CEL		OG	B-2		2B	TENANT STORAGE,
OSP		100	J-2		2B	OUTSIDE RECREATION AREA
001		40	J-2		2B	ACCESSORY (15) PARKING SPACES
001		40	J-2		2B	ACCESSORY EXERCISE ROOM
001		40	J-2		2B	LOBBY, LOUNGE
002		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
003		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
004		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
005		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
006		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
007		40	J-2	7	2	(7) CLASS 'A' APARTMENTS

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
008	40		J-2	6	2	(6) CLASS 'A' APARTMENTS
009	40		J-2	6	2	(6) CLASS A APTS.
010	40		J-2	6	2	(6) CLASS A APTS.
011	40		J-2	6	2	(6) CLASS A APTS.
012	40		J-2	6	2	(6) CLASS A APTS.
ROF	31	100	J-2		2	TENANT RECREATION SPACE (15 CABANAS) 31 MAX OCCUPANTS.
ROF						MECHANICAL & ELEVATOR ROOMS
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402437065/001 3/12/2009 10:10:37 AM

EXHIBIT "5"



24 OPEN ITEMS OF 66 REQUIRED FOR JOB
* DEMOLITION (DM) JOB SIGNOFF
CERTIFICATE OF OCCUPANCY
SPRINKLER (SP) SIGNOFF
STANDPIPE (SD) SIGNOFF
CURB CUT (CC) SIGNOFF
DETECTOR:SMOKE-CERT. OF INSTALLATION
SITE SURVEY: FINAL
PLUMBING (PL) SIGNOFF
BOILER (BL) SIGNOFF
CONSTRUCTION (QT) SIGNOFF
BPP: FINAL SIGNOFF
DEMOLITION (DM) JOB SIGNOFF
BOILER APPROVAL : 900A
DETECTOR:CARBON MONOXIDE-CERT.OF INS
MASONRY SUPPLIER'S STATEMENT-FORM 10
FINAL PLUMBING SIGNOFF
FINAL ELECTRICAL SIGNOFF
FINAL CONST. SIGNOFF
VERIFY TAX LOT
VIOLATIONS SEARCH
OPEN APPLICATIONS SEARCH
FOLDER REVIEW
MECHANICAL (MH) SIGNOFF
CURB CUT # REQUIRED

NYC Department of Buildings
B-SCAN List of Required Items

Job No: 402437065

Job Type: NB - NEW BUILDING

	WHO RECV*	PRI TO	REQUIRED DATE
N	PER		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
T	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		08/21/2006
N	SGN		12/09/2006
N	SGN		12/07/2008

Page 1 of 2



B-SCAN List of Required Items

Page 2 of 2

(*) N = Can be received by clerical staff, T = Can only be received by a plan examiner

Some items may not be required for your specific work filing.

Enter Criteria for Required Item Display

Display Items Required Prior To:

☒ Approval

☒ Permit

☒ Signoff

Which Items Should Be Displayed?

☐ All Items

☒ Open Items Only

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

<http://a810-bisweb.nyc.gov/bisweb/BScanItemsRequiredServlet?requestid=4&rqidpriora=on&rqidpriorotop=on&rqidprioros=o...> 4/8/2009

EXHIBIT "6"



ARCHITECTURE • URBAN PLANNING • ENGINEERING

Certification of Sponsor's Architect

March 5, 2009

New York State Department of Law
Investment Protection Bureau
Real Estate Financing Section
120 Broadway, 23rd Floor
New York, New York 10271

Re: One Hunters Point Condominium (the "Condominium")
5-49 Borden Avenue, Long Island City, New York (the "Property")
CD07-0082

To Whom It May Concern:

I, Mitchell D. Newman, am an Architect licensed to practice in the State of New York. This firm prepared a report dated January 16, 2007 describing the construction of the Property in connection with the submission of an offering for the sale of condominium units (the "Plan") by Borden East River Realty LLC ("Sponsor") which Plan was accepted for filing by the Department of Law on September 11, 2007.

We understand that this firm is responsible for complying with Article 23-A of the General Business Law and the regulations promulgated by the Department of Law in part 20 of Title 13 NYCRR.

The Sponsor has advised that the first residential unit closing has taken place prior to the issuance of a permanent certificate of occupancy. Pursuant to the requirements of Section 20.3(t)(12) of Title 13 NYCRR, Sponsor will need to deposit with the escrow agent the sum of \$ 300,000, which we estimate to be the amount reasonably needed to complete the outstanding work required to obtain a permanent certificate of occupancy more specifically [attach schedule describing work to be done and cost].



We certify that this letter:

1. Sets forth the required work to be completed to obtain a permanent certificate of occupancy.
2. Provides potential purchasers and current unit owners an adequate basis upon which to found their judgment concerning the condition of the Property as it will exist upon receipt of the permanent certificate of occupancy;
3. Does not omit any material facts;
4. Does not contain any fraud, deception, concealment or suppression;
5. Does not contain any promise or representation as to the future which is beyond reasonable explanation or unwarranted by existing circumstances; and
6. Does not contain any representation or statement which is false where we (i) knew the truth; (b) with reasonable effort could have known the truth; (c) made no reasonable effort to ascertain the truth; (d) did not have knowledge concerning the representation or statement made.

We further certify that we are not owned or controlled by and have no beneficial interest in the Sponsor and that our compensation for preparing this letter is not contingent on the Condominium receiving the permanent certificate of occupancy or on the profitability of the Sponsor. This letter is not intended as a guarantee or warranty of the total cost to obtain the permanent certificate of occupancy.

NDG Architect, P.C.

By: Mitchell D. Newman, A.I.A.
President

Sworn to before me this 5th
of March 2009

Elisa Spada
Notary Public

A handwritten signature in cursive script, appearing to read "Elisa Spada".

ELISA SPADA
NOTARY PUBLIC-STATE OF NEW YORK
No. 013P6137227
Qualified in Nassau County
My Commission Expires November 21, 2009



Date: March 5, 2009

RE: 5-49 Borden Avenue, Long Island City, NY

The following is the schedule of work to be completed for the above referenced project:

• Balcony/Terrace Glass Railings	\$20,000
• 9th Floor Terrace Waterproofing	20,000
• Interior Frame/Doors	5,000
• Painting	25,000
• Signage/Directory	20,000
• Privacy Screens	10,000
• Lobby	30,000
• Bathroom Mirrors	5,000
• Plumbing (Misc.)	25,000
• HVAC (Start-Up/Balancing/Misc.)	25,000
• Electrical	25,000
• Close-Out Paperwork	41,250
• Canopy	35,000
• Completion of Builders Pavement Plan & Planting of Street Trees ((\$78,200 in separate escrow account by Sponsor with DOT/NYC Parks Dept.)	0
• Miscellaneous	13,750
TOTAL	\$300,000



ARCHITECTURE • URBAN PLANNING • ENGINEERING

Certification of Sponsor's Architect

March 19, 2009

New York State Department of Law
Investment Protection Bureau
Real Estate Financing Section
120 Broadway, 23rd Floor
New York, New York 10271

Re: Hunters View Condominium (the "Condominium")
48-15 11th Street, Long Island City, New York 11101 (the "Property")
CD07-0240

To Whom It May Concern:

I, Mitchell D. Newman, am an Architect licensed to practice in the State of New York. This firm prepared a report dated March 15, 2007 describing the construction of the Property in connection with the submission of an offering for the sale of condominium units (the "Plan") by 11/49 Realty LLC ("Sponsor") which Plan was accepted for filing by the Department of Law on September 11, 2007.

We understand that this firm is responsible for complying with Article 23-A of the General Business Law and the regulations promulgated by the Department of Law in part 20 of Title 13 NYCRR.

The Sponsor has advised that the first residential unit closing has taken place prior to the issuance of a permanent certificate of occupancy. Pursuant to the requirements of Section 20.3(t)(12) of Title 13 NYCRR, Sponsor will need to deposit with the escrow agent the sum of \$ \$110,000, which we estimate to be the amount reasonably needed to complete the outstanding work required to obtain a permanent certificate of occupancy more specifically [attach schedule describing work to be done and cost].



We certify that this letter:

1. Sets forth the required work to be completed to obtain a permanent certificate of occupancy.
2. Provides potential purchasers and current unit owners an adequate basis upon which to found their judgment concerning the condition of the Property as it will exist upon receipt of the permanent certificate of occupancy;
3. Does not omit any material facts;
4. Does not contain any fraud, deception, concealment or suppression;
5. Does not contain any promise or representation as to the future which is beyond reasonable explanation or unwarranted by existing circumstances; and
6. Does not contain any representation or statement which is false where we (i) knew the truth; (b) with reasonable effort could have known the truth; (c) made no reasonable effort to ascertain the truth; (d) did not have knowledge concerning the representation or statement made.

We further certify that we are not owned or controlled by and have no beneficial interest in the Sponsor and that our compensation for preparing this letter is not contingent on the Condominium receiving the permanent certificate of occupancy or on the profitability of the Sponsor. This letter is not intended as a guarantee or warranty of the total cost to obtain the permanent certificate of occupancy.


NDG Architect, P.C.

By: 

Mitchell D. Newman, A.I.A., President

Sworn to before me this 19th
of March 2009

Elisa Spada
Notary Public


ELISA SPADA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SP6137227
Qualified in Nassau County
My Commission Expires November 21, 2009



Date: March 19, 2009

RE: 48-16 11th Street, Long Island City, NY

The following is the schedule of work to be completed for the above referenced project:

• Painting Touch-Up	5,000
• Signage	10,000
• Plumbing (Misc.)	10,000
• HVAC (Start-Up/Balancing/Misc.)	10,000
• Electrical (Misc.)	15,000
• Close-Out Paperwork	30,000
• Canopy	20,000
• Completion of Builders Pavement Plan & Planting of Street Trees	0
• (\$48,128 in separate escrow account by Sponsor with DOT/NYC Parks Dept.)	
• Miscellaneous	<u>10,000</u>
TOTAL	\$110,000

Jose Rivera

From: Jose Rivera
Sent: Friday, April 24, 2009 2:51 PM
To: 'Thomas, William'
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Good afternoon Mr. Thomas.

I hope all is well.

We are just confirming that you have received our opinion letter regarding the ability to occupy a unit in New York City with a T C of O.

Please advise.

Thank you.

Best regards,
Jose

 cid:image002.jpg@01C91CC7.5F57A9A0

Jose M. Rivera, Esq., Partner
D'Agostino, Levine & Landesman, L.L.P.
345 Seventh Avenue
23rd Floor
New York, New York 10001
email: jrivera@dagll.com
(212) 564-9800 Ext. 414 Fax (212) 564-9802

Website: www.dagll.com

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From: Thomas, William [mailto:William.Thomas@hud.gov]

Sent: Wednesday, April 22, 2009 3:46 PM

To: Jose Rivera; 'ledermanb@verizon.net'

Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Bruce H. Lederman, Esquire
Jose M Rivera, Esquire, Partner
D'Agostino, Levine & Landesman, L.L.P.
345 Seventh Avenue, 23rd Floor
New York NY 10001
(212) 564-9800 Ext. 414
Fax (212) 564-9802
email: jrivera@dagll.com
ledermanb@verizon.net

ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097

ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

It was a pleasure to talk to the two of you again.

I appreciate the perspective that you have in representing your client as well as your recognition of the Department's position of addressing the public interest of the American consumer.

You indicated that you may be providing 24 CFR 1710.4(d) evidence of the exemptions at the time of first offering which they believe they are entitled to. However, as we discussed, in the event that your clients' amended response to the complaints involves a decision to address a potential settlement negotiation, please request that the complaints be transitioned to the Office of Finance and Regulatory Compliance Program Compliance Division for negotiation. At that point, I will prepare the detailed Case Summary and transfer the cases to that Division.

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Thank you for your and your client's past cooperation and the current willingness to proceed in a spirit of cooperation for both your client's and the public's interest.

William J. Thomas

William J. Thomas, MBA, Certified Paralegal
Consumer Protection Compliance Specialist
Office of RESPA/Interstate Land Sales
Department of Housing and Urban Development
Room 9154
451 7th Street SW
Washington DC 20410
Phone: 202-402-3006
Fax: 202-708-4559

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Jose Rivera

From: Thomas, William [William.Thomas@hud.gov]
Sent: Friday, April 24, 2009 3:20 PM
To: Jose Rivera
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Received the FEDEX and your e-mail

William J. Thomas

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From: Jose Rivera [mailto:jrivera@dagll.com]
Sent: Friday, April 24, 2009 2:51 PM
To: Thomas, William
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Good afternoon Mr. Thomas.

I hope all is well.

We are just confirming that you have received our opinion letter regarding the ability to occupy a unit in New York City with a T C of O.

Please advise.

Thank you.

Best regards,
Jose

HP000307

7/27/2009

 cid:image002.jpg@01C91CC7.5F57A9A0

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From: Thomas, William [mailto:William.Thomas@hud.gov]
Sent: Wednesday, April 22, 2009 3:46 PM
To: Jose Rivera; 'ledermanb@verizon.net'
Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

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ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097

ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

It was a pleasure to talk to the two of you again.

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7/27/2009

HP000309

Jose Rivera

From: Jose Rivera
Sent: Monday, April 27, 2009 9:23 AM
To: 'Thomas, William'
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Thank you Sir.

Please let us know if you require any additional information.

Best regards,
Jose

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From: Thomas, William [mailto:William.Thomas@hud.gov]

Sent: Friday, April 24, 2009 3:20 PM

To: Jose Rivera

Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

Received the FEDEX and your e-mail

William J. Thomas

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Sent: Friday, April 24, 2009 2:51 PM

To: Thomas, William

Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

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Please advise.

Thank you.

Best regards,
Jose

8/13/2009

HP000311

✖ cid:image002.jpg@01C91CC7.5F57A9A0

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ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097

8/13/2009

HP000312

ILS-32438 and Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096; I-09-131 and I-09-133

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Jose Rivera

From: Thomas, William [William.Thomas@hud.gov]
Sent: Friday, May 01, 2009 9:14 AM
To: Jose Rivera
Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-09 and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

Jose M Rivera, Esquire
D'Agostino, Levine & Landesman, L.L.P.
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(212) 564-9800 Ext. 414
Fax (212) 564-9802
email: jrivera@dagll.com

ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097

ILS-32438; Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

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William J. Thomas

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HP000314

7/27/2009

official advisory opinion was obtained.

7/27/2009

HP000315

Jose Rivera

From: Jose Rivera
Sent: Friday, May 01, 2009 9:32 AM
To: 'Thomas, William'
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-09 and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

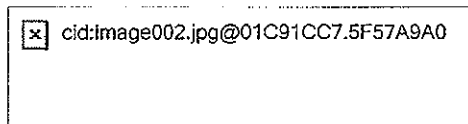
Good morning Mr. Thomas.

I hope all is well.

Thank you for your correspondence.

Please keep us posted. Thank you.

Best regards,
Jose



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Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-09 and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

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From: Thomas, William [William.Thomas@hud.gov]
Sent: Thursday, May 14, 2009 12:14 PM
To: Jose Rivera
Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438; Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

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ILS-32438; Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

As we discussed in our phone call I will attempt to begin review today or tomorrow. Confirmed with e-mail.

William J. Thomas

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Jose Rivera

From: Jose Rivera
Sent: Thursday, May 14, 2009 1:24 PM
To: 'Thomas, William'
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438; Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

Thank you Mr. Thomas.

Best regards,
Jose

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Sent: Thursday, May 14, 2009 12:14 PM

To: Jose Rivera

Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium; I-09-097 and ILS-32438; Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium; I-09-096

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WRITER'S E-MAIL:

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May 18, 2009

Via Email William.Thomas@HUD.gov

Mr. William Thomas
U.S. Department of Housing and Urban Development
Office of RESPA and Interstate Land Sales
451 Seventh Street, SW, Room 9154
Washington, DC 20410

Re: ILS 32438 and ILS 32439, Borden East River Realty LLC ("Borden"),
11/49 Realty LLC ("11/49"), (collectively Borden and 11/49 are referred
to as the "Developers") and Simone Development Company L.L.C., One
Hunters Point Condominium ("Hunters Point"); I-09-096; I-09-131; and
I-09-133, Hunters View Condominium, ("Hunters View") I-09-97
(collectively the "Projects")

Dear Mr. Thomas:

As you know we are counsel to Borden and 11/49.

We are hereby responding to your request, via email dated May 18, 2009, regarding the
status of the: 1) primary gas, water, sewer and telephone utility service lines and; 2) surrounding
public roadways for the respective Projects.

Please note that the Developers have provided, and all primary gas, water, sewer, and
telephone utility service lines have been extended in front of, or adjacent to the respective
buildings comprising the condominium Projects. Additionally, please note that the gas, water,
sewer, and telephone utility infrastructure within the respective condominium Projects have been
extended to each residential Unit.

Mr. William Thomas

May 18, 2009

Page 2

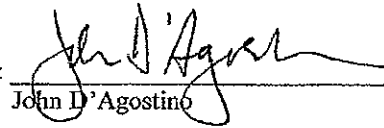
Further, please note that all surrounding public roadways, including the roadways providing access to the respective condominium Projects are maintained by the City of New York and are currently complete and open to the public. Said roadways include 11th Street and 49th Avenue, which are adjacent to Hunters View and Borden Avenue, which is adjacent to Hunters Point.

Should you require any additional information please call.

Very truly yours,

D'AGOSTINO, LEVINE & LANDESMAN, L.L.P.

By:


John D'Agostino

Jose Rivera

From: Thomas, William [William.Thomas@hud.gov]
Sent: Monday, May 18, 2009 12:18 PM
To: Jose Rivera
Subject: Advisory Opinions ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium

Jose M Rivera, Esquire, Partner
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(212) 564-9800 Ext. 414
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email: jrivera@dagll.com

BY WAY OF REPLY, PLEASE CONFIRM RECEIPT OF THIS E-MAIL.

ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium;

ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium;

Instead of sending a formal deficiency, based upon our mutual working together in the last several weeks, this e-mail is being sent to offer the ability to modify the material for the Advisory Opinions. On behalf of the Developer, please provide the following two Statements on your letterhead for each Development :

Hunters View Condominium

All primary gas, water, sewer, and telephone utility service lines have been extended in front of, or adjacent to the building comprising the condominium project and that the gas, water, sewer, and telephone utility infrastructure within the condominium project has been extended to each Unit.

All surrounding public roadways, including the roadways providing access to the condominium are currently complete and open to the public. [Enumerate the roadways].

One Hunters Point Condominium

All primary gas, water, sewer, and telephone utility service lines have been extended in front of, or adjacent to the building comprising the condominium project and that the gas, water, sewer, and telephone utility infrastructure within the condominium project has been extended to each Unit.

All surrounding public roadways, including the roadways providing access to the condominium are currently complete and open to the public. [Enumerate the roadways].

You can call me, William J. Thomas, on (202) 402-3006 if you have questions. My e-mail address is william.thomas@hud.gov.

7/27/2009

HP000324

William J. Thomas

William J. Thomas, MBA, Certified Paralegal
Consumer Protection Compliance Specialist
Office of RESPA/Interstate Land Sales
Department of Housing and Urban Development
Room 9154
451 7th Street SW
Washington DC 20410
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7/27/2009

HP000325

Jose Rivera

From: Jose Rivera
Sent: Monday, May 18, 2009 3:53 PM
To: 'Thomas, William'
Subject: RE: Advisory Opinions ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium
Attachments: HUD Utility and Road Statement.pdf

Good afternoon Mr. Thomas.

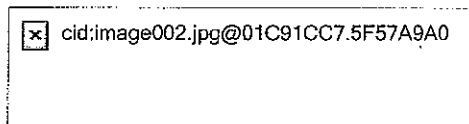
I hope all is well.

In response to your request regarding the utilities and roadways please see our response which is annexed hereto.

Please confirm that you received this email and let us know if the attached letter is sufficient or if you will require that we forward the original to you.

Thank you.

Best regards,
Jose



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